

Message Text

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PAGE 01 WELLIN 04637 142251Z
ACTION EA-09

INFO OCT-01 ISO-00 /010 W
----- 130562 /20
R 140357Z DEC 76
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 2455

UNCLAS WELLINGTON 4637

FOR EA/ANP NELSON

E.O. 11652: N/A
TAGS: SWEL
SUBJECT: REQUEST FOR INFORMATION BY NEW ZEALAND ROYAL COMMISSION ON
CONTRACEPTION, STERILISATION AND ABORTION

1. THE AMBASSADOR HAS RECEIVED A LETTER FROM THE CHAIRMAN OF THE ROYAL COMMISSION ON CONTRACEPTION, STERILISATION AND ABORTION ASKING FOR VERIFICATION OF THE FACTUAL CORRECTNESS OF THE STATEMENT APPEARING IN PARAGRAPH TWO. THE STATEMENT, PREPARED BY THE CHAIRMAN, INCORPORATES WHAT APPEARS TO BE THE TEXTS OF PROPOSED AMENDMENTS TO THE UNITED STATES CONSTITUTION RELATING TO ABORTION.

2. "ON 22 JANUARY 1973, AMENDMENTS TO THE CONSTITUTION WERE PROPOSED. THE SUB-COMMITTEE ON CONSTITUTIONAL AMENDMENTS OF THE COMMITTEE ON THE JUDICIARY HAS CONDUCTED LENGTHY HEARINGS ON FOUR RESOLUTIONS AIMED AT THE PROTECTION OF UNBORN CHILDREN AND OTHER PERSONS, AND GUARANTEEING THE RIGHT OF LIFE TO THE UNBORN, THE ILL, THE AGED, AND THE INCAPACITATED.

THE TEXT OF THESE RESOLUTIONS IS:
'S.J. RES. 6

SECTION 1. WITH RESPECT TO THE RIGHT OF LIFE GUARANTEED IN THIS CONSTITUTION, EVERY HUMAN BEING, SUBJECT TO THE JURISDICTION OF THE UNITED STATES, OR OF ANY STATE, SHALL BE DEEMED, FROM THE MOMENT OF FERTILISATION, TO BE A PERSON AND ENTITLED TO THE RIGHT TO LIFE.

SECTION 2. CONGRESS AND THE SEVERAL STATES SHALL HAVE
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CONCURRENT POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE

LEGISLATION.'

'S.J.RES. 10

SECTION 1. WITH RESPECT TO THE RIGHT TO LIFE, THE WORD "PERSON" AS USED IN THIS ARTICLE AND IN THE FIFTH AND FOURTEENTH ARTICLES OF AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES, APPLIES TO ALL HUMAN BEINGS, INCLUDING THEIR UNBORN OFFSPRING AT EVERY STAGE OF THEIR BIOLOGICAL DEVELOPMENT, IRRESPECTIVE OF AGE, HEALTH, FUNCTION OR CONDITION OF DEPENDENCY.

SECTION 2. THIS ARTICLE SHALL NOT APPLY IN AN EMERGENCY WHEN A REASONABLE MEDICAL CERTAINTY EXISTS THAT CONTINUATION OF THE PREGNANCY WILL CAUSE THE DEATH OF THE MOTHER.

SECTION 3. CONGRESS AND THE SEVERAL STATES SHALL HAVE POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION WITHIN THEIR RESPECTIVE JURISDICTIONS.

'S.J. RES. 11

SECTION 1. WITH RESPECT TO THE RIGHT TO LIFE, THE WORD "PERSON" AS USED IN THIS ARTICLE AND IN THE FIFTH AND FOURTEENTH ARTICLES OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, APPLIES TO ALL HUMAN BEINGS, IRRESPECTIVE OF AGE, HEALTH, FUNCTION OR CONDITION OF DEPENDENCY, INCLUDING THEIR UNBORN OFFSPRING AT EVERY STAGE OF THEIR BIOLOGICAL DEVELOPMENT.

SECTION 2. NO UNBORN PERSON SHALL BE DEPRIVED OF LIFE BY ANY PERSON: PROVIDED, HOWEVER, THAT NOTHING IN THIS ARTICLE SHALL PROHIBIT A LAW PERMITTING ONLY THOSE MEDICAL PROCEDURES REQUIRED TO PREVENT THE DEATH OF THE MOTHER.

SECTION 3. CONGRESS AND THE SEVERAL STATES SHALL HAVE THE POWER TO ENFORCE THIS ARTICLE BY APPROPRIATE LEGISLATION WITHIN THEIR RESPECTIVE JURISDICTIONS.'

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'S.J. RES. 91

ARTICLE - THE POWER TO REGULATE THE CIRCUMSTANCES UNDER WHICH PREGNANCY MAY BE TERMINATED IS RESERVED TO THE STATES.'

'ON 17 SEPTEMBER 1975, THE COMMITTEE REJECTED

RESOLUTIONS S.J. 10, 11 AND 91 IN A MAJORITY VOTE, BUT THE VOTE ON S.J. 91, WHICH PROVIDED THAT THE POWER TO LEGISLATE ON ABORTION SHOULD BE LEFT TO THE STATES, WAS EQUAL. UNTIL AMENDMENTS TO THE CONSTITUTION ARE MADE, THE SUPREME COURT DECISION STANDS AND RESTRICTIVE ABORTION STATUTES ARE REGARDED AS UNCONSTITUTIONAL. THERE ARE SOME STATES, HOWEVER, WHICH HAVE SINCE PASSED LIBERAL ABORTION STATUTES."

3. WOULD APPRECIATE YOUR CHECKING WITH THE APPROPRIATE AUTHORITIES ON THE FACTUAL CORRECTNESS OF PAR. 2 FOR PASSING TO THE CHAIMAN OF THE ROYAL COMMISSION, ETC.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ABORTION, INFORMATION CONTROL, CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976WELLIN04637
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760461-0112
From: WELLINGTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761243/aaaabkwwg.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: schwenja
Review Comment: n/a
Review Content Flags:
Review Date: 15 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 JUN 2004 by hattaycs>; APPROVED <19 AUG 2004 by schwenja>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR INFORMATION BY NEW ZEALAND ROYAL COMMISSION ON CONTRACEPTION, STERILISATION AND ABORTION
TAGS: SWEL, NZ, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006